

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ANGELA WILMINK,

Plaintiff

v.

Civil Action No. 2:03-0179

KANAWHA COUNTY BOARD
OF EDUCATION, and
DAVID GILLISPIE, and
DENNIS OSBORNE,

Defendants

MEMORANDUM OPINION AND ORDER

Pending is plaintiff's motion to seal filed July 25, 2005.

As noted in the court's order entered October 7, 2005, plaintiff's counsel filed the motion to seal, a package of proposed documents for sealing ("packaged documents"), and plaintiff's response to defendants' motion for summary judgment ("response brief"). The court directed the clerk to file both the motion to seal and the response brief. The clerk was further directed to docket and file under seal the packaged documents pending the court's examination pursuant to controlling precedent. See The Baltimore Sun Co. v. Goetz, 886 F.2d 60 (4th Cir. 1989); In re Washington Post Co., 807 F.2d 383 (4th Cir. 1986); In re The Knight Pub. Co., 743 F.2d 231 (4th Cir. 1984).

The October 7, 2005, order also provided interested parties notice of the sealing request and further allowed comment until October 21, 2005. To date, no comments have been received.

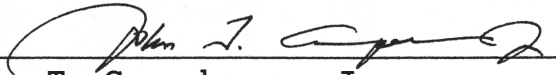
The court's initial inspection of the packaged documents reveals some that are plainly in the public domain presently. The sealing request is thus overbroad on its face. A sealing order is taken very seriously in this circuit, as reflected in the above-cited authority. The court, accordingly, ORDERS as follows:

1. That the motion to seal be, and it hereby is, denied without prejudice;
2. That the clerk return to counsel for the plaintiff, with appropriate guarantees of confidentiality, the packaged documents, which are hereby stricken from the record;
3. That counsel for the plaintiff is given leave to submit a modified package of proposed documents for sealing which omits those items already in the public domain or otherwise inappropriate for sealing in view of our court of appeals' precedent; and
4. That counsel may resubmit a revised motion to seal and modified package of documents no later than December 15, 2005.

The revised motion to seal, if filed, should further make the requisite showing in this circuit applicable to sealing requests.

The Clerk is directed to forward copies of this order to all counsel of record.

DATED: December 1, 2005



John T. Copenhaver, Jr.
United States District Judge